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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 DAVID ARNOLD NORTH,

11 Defendant.
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) Case No. 2:17-mj-411-GWF
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ORDER

13 This matter is before the Court on the Government's Motion to Strike (ECF No. 15), filed on
14 June 12, 2017.

15 The Government requests that the Court strike Defendant's Notice of Assertion of Right to be
16 Present in Court Unshackled (ECF No. 14) as improperly filed. The Court construes Defendant's
17 filing as a notice of an assertion of his right to not be shackled or placed in other physical restraints
18 during any pretrial hearing. On May 24, 2017, the Court granted the parties' stipulation to continue
19 the preliminary hearing to June 28, 2017. ECF No. 13. If the preliminary hearing goes forward the
20 Court will consider the issue of physical restraints at that time. The Court, therefore, denies the
21 Government's motion to strike as premature. Accordingly,

22 **IT IS HEREBY ORDERED** that Defendant's Motion to Strike (ECF No. 15) is **denied**.

23 DATED this 14th day of June, 2017.
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26 GEORGE FOLEY, JR.
27 United States Magistrate Judge
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